

In the United States District Court  
for the Southern District of Texas,  
Houston Division

Mark Flora,

*Plaintiff,*

v.

Transocean Drilling (USA),  
Inc., et al,

*Defendants.*

Civil Action No:  
4:19-cv-02328  
Jury Requested

**Defendants' Opposed Motion for Continuance and  
Request for Expedited Hearing**

To the Honorable Judge David Hittner:

COME NOW, Defendants Gulf Logistics Operating, Inc., Gulf Logistics, LLC, LLOG Exploration Offshore, LLC and Grand Isle Shipyard, LLC, who file this Motion for Continuance and Request for Expedited Hearing. In support thereof, Defendants will show the Court as follows:

**I. Summary of the Argument**

Defendants are seeking an expedited hearing and/or telephone conference to discuss a trial continuance because of the unavailability of Captain David Scruton, the liability expert for Grand Isle Shipyard, LLC, and the Defendants' medical expert, Dr. Taylor Brown, for the current July 25, 2022, trial setting. Defense counsel has tried to work with Plaintiff's counsel regarding a new trial date, but the parties have been unable to reach an

agreement. Therefore, this motion and request for expedited hearing is necessary.

## **II. Background**

This is a maritime personal injury matter originally filed in the 234<sup>th</sup> District Court of Harris County, Texas, on or about June 5, 2019. Mark Flora alleges personal injuries and damages as a result of cargo offloading operations from the vessel *Maggie A* to the drillship *West Neptune* in the Gulf of Mexico, offshore Louisiana. The plaintiff is a resident of Harris County, Texas, and the Defendants are Louisiana-based companies. The matter was removed to this Court, and was set for trial during the June 2022 trial term.

At a pretrial conference on June 7, 2022, GIS's counsel informed the court that its expert would be unavailable for the month of July on a preplanned trip, and Plaintiff's counsel advised that he had a trip planned "at the end of June." Counsel for LLOG and Gulf Logistics also informed the Court of two trial settings in Louisiana for August. One of those settings, for Judge Wendy B. Vitter's court in the Eastern District of Louisiana on August 8, 2022, has a pretrial conference on August 1, 2022, which conflicts with the current trial setting.

Although Captain Scruton's unavailability was relayed, the Court set

this matter for trial for **July 25, 2022**. Additionally, after the pretrial conference, it was also learned that defense medical expert Dr. Taylor Brown would be out of town the week of July 25, 2022, for a preplanned vacation.

On Monday, June 13, 2022, defense counsel reached out to Plaintiff's counsel to discuss seeking alternative trial dates. *See* Exhibit 1. Plaintiff's counsel never responded, until Tuesday, June 21, 2021, when defense counsel again reached out to try to obtain the trial deposition of Captain Scruton on Friday, June 24, 2022, before Captain Scruton left for Europe. *Id.* Plaintiff's counsel stated that he was not available because of his trip. *Id.* He did not respond until Saturday, June 25, 2022, and again on Monday, June 27, 2022, that he was opposed to moving the trial date.

Despite attempts by defense counsel to propose an alternative trial date, Plaintiff's counsel has been unwilling to engage in discussion. Compounding the difficulties are several conflicts:

- As mentioned previously, counsel for LLOG and Gulf Logistics is set for trial in Judge Wendy B. Vitter's court in the Eastern District of Louisiana from August 8-12, 2022, with pretrial on August 1, 2022. (Civil Action No. 2:20-CV-02992; *In the Matter of The Complaint of M N M Boats, Inc. As Owner of the Vessel M/V Ms. Isabella Rose and C&G Boats, Inc. as Charterer for Exoneration from or Limitation of*

*Liability.)*

- From August 29, 2022, to September 2, 2022, counsel for LLOG and Gulf Logistics Counsel for LLOG is in trial Judge Barry Ashe's court in the Eastern District of Louisiana. (Civil Action No. 2:17-CV-2258, *James Compton v. Moncla Companies, LLC*.)
- LLOG's corporate representative is out of the country from September 4-17, 2022.
- The liability expert for Gulf Logistics Operating, Inc., Gulf Logistics, LLC, and LLOG is out of state from September 16-26, 2022.
- Counsel for GIS is currently set for trial, with a No. 1 priority setting with Judge Eliot Thornton in Harris County District Court for October 3, 2022. (Cause No. 2018-76729, *Steve Jackson v. Whitney Parker*, in the 164<sup>th</sup> Judicial District Court, Harris County, Texas).

### **III. Requested Relief**

The matter has been continued by the Court on more than one occasion as a result of delays caused by the ongoing pandemic, the 2021 Gulf Coast storms, and the untimely death of Plaintiff's original liability expert. Defendants again ask this Court to continue the trial of this matter to a time convenient for the parties and necessary witnesses. Defense counsel has suggested October 17, 2022, but Plaintiff's counsel did not respond.

#### **IV. Prayer**

WHEREFORE PREMISES CONSIDERED Gulf Logistics Operating, Inc., Gulf Logistics, LLC, LLOG Exploration Offshore, LLC and Grand Isle Shipyards, LLC respectfully request that the Court continue the trial of this matter to a time convenient for the parties and necessary witnesses. The Motion for Continuance is not sought for the purposes of delay, but only so that justice may be done.

Respectfully submitted:

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### **Certificate of Service**

I HEREBY CERTIFY that a copy of the above and foregoing instrument has this day been served on all parties through their counsel of record in accordance with the Federal Rules of Civil Procedure:

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/s/ John G. H. Davis  
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